

MRS. A. C. WAGNER.

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JUNE 17, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. FENTON, from the Committee on Military Affairs, submitted the following

## REPORT.

[To accompany H. R. 5188.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5188) for the relief of Mrs. A. C. Wagner, having examined the same, recommend its passage and adopt the following report on the same measure made to the House of Representatives, Fifty-fourth Congress:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2003) for the relief of Mrs. A. C. Wagner, respectfully report:

Seldom has a more meritorious claim been presented to your committee, or one that appeals more to their sympathy. The facts are as follows: On the 7th day of July, 1880, John A. Wagner was in a boat fishing on the Delaware River, State of Pennsylvania. On the same day Joseph E. Carr, an employee of the United States Government, was testing officially ammunition at the Frankford Arsenal, situated on the bank of said river. While so engaged, firing at a target 200 yards distant, one of the bullets struck the side of the target, causing it to deflect from its course, and wounded the said John A. Wagner by striking him in the left thigh. The said Joseph E. Carr saw said gunshot wound and helped nurse the said John A. Wagner while suffering from said injury. His affidavit, setting forth the above facts, is appended to this report.

The affidavits of Henry Glazier and Henry Simmons, who were in the boat with John A. Wagner on the day of the accident, setting forth the same facts, are also appended. The affidavits of I. P. Strittmatter, M. D., and A. H. De Young, M. D., certifying that said John A. Wagner died from disease initiated and influenced by the said gunshot wound received by John A. Wagner aforesaid, are also appended.

Your committee therefore unanimously recommend:

That the Secretary of the Treasury be, and he is hereby, authorized to pay the said Mrs. A. C. Wagner \$5,000, in payment of all claim or damage arising from the aforesaid injury or death of her husband, John A. Wagner, which was caused thereby.

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UNITED STATES OF AMERICA,  
*County of Philadelphia, ss:*

Be it known that on the day of the date hereof, before me, the undersigned, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, personally appeared Joseph E. Carr, aged 49 years, residing at No. 1820

Orthodox street, in Frankford, in the county of Philadelphia and State of Pennsylvania, who, being duly sworn according to law, did depose and say that he is employed at the United States Arsenal at Frankford, in the county and State aforesaid, and was so employed there on the 7th day of July, A. D. 1880, on which said day he was engaged in experimenting and testing ammunition with a rifle at the rifle-practice grounds in the said arsenal, and while so engaged, in firing at a target at 200 yards' distance, one of the bullets from the said rifle struck the side of the target, causing the bullet to deflect from its course, and wounded the person of John A. Wagner by striking him in the left thigh. The deponent further says that at the time the said John A. Wagner was wounded he was engaged in fishing upon the bank of the river Delaware and about 50 yards above the line of fire; that the deponent saw the said gunshot wound and sat up with the said John A. Wagner at nights while suffering from the said injury; and further the deponent saith not.

JOSEPH E. CARR.

Sworn and subscribed before me this 11th day of January, A. D. 1896.

[SEAL.]

GEORGE L. BATTERSBY,  
Notary Public.

The words "causing a wound which eventually caused his death" were erased before signing by the affiant.

GEORGE L. BATTERSBY,  
Notary Public.

PHILADELPHIA, February 11, 1882.

Personally appeared before me, Benton O. Severn, a police magistrate in and for the city of Philadelphia, Henry Glazier and Henry Simmons, who, being sworn according to law, doth depose and swear that on the 7th day of July, 1880, they, in company with John A. Wagner, were in a boat opposite the United States Arsenal at Bridesburg fishing; that between 2 and 3 o'clock p. m. the said John A. Wagner was wounded in the right leg by a shot fired from a rifle from the arsenal grounds. The boat was rowed to the shore, from where we carried him to the arsenal hospital, where the bullet was extracted by Dr. Burns, the surgeon. He was then carried upstairs, where he remained under treatment until the 7th of August, just one month, before the surgeon allowed him to be taken home.

HENRY GLAZIER.  
HENRY C. SIMMONS.

Sworn and subscribed to before me this 11th day of February, A. D. 1882.

[SEAL.]

BENTON O. SEVERN,  
Magistrate of Court No. 18, 1012 Columbia Avenue.

STATE OF PENNSYLVANIA,  
County of Philadelphia, ss:

I, William B. Mann, prothonotary of the court of common pleas of said county, do certify that Benton O. Severn, esq., before whom the annexed affidavit was made, was, at the time of so doing, a magistrate, duly commissioned and qualified to administer oaths and affirmations and to take acknowledgments, etc., and to all whose acts, as such, full faith and credit are and ought to be given, as well in courts of judicature as elsewhere, said court being a court of record; and that I am well acquainted with the handwriting of the said Benton O. Severn, magistrate, and verily believe his signature thereto is genuine, and that said affidavit purports to be taken in all respects as required by the laws of the State of Pennsylvania.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 18th day of February, in year of our Lord 1882.

[SEAL.]

WILLIAM B. MANN, Prothonotary.

Personally appeared before me, John J. Minnick, a notary public of the city of Philadelphia, State of Pennsylvania, Albert J. Logo, a resident of the city of Philadelphia, who doth depose and say as follows: That he was intimately acquainted with the herein-named claimant, Mr. John A. Wagner, now deceased, during the whole period of his natural life, and that he was born and reared in the immediate vicinity of his residence, and had every facility to know him thoroughly and well; and that on or about the 10th day of July, in the year 1880, while the said Albert J. Logo was at his place of business at No. 511 Arch street, in the city of Philadelphia, he was requested by John A. Wagner, jr., to visit his father at the Bridesburg Arsenal, where he was lying wounded from a gunshot received while fishing in the

Delaware River; and the deponent further says that he immediately visited the claimant, Mr. John A. Wagner, and found him in bed with a gunshot wound of the right leg, the ball having entered just above the knee on the inner side of the leg and torn around to the outer surface of the right thigh where it had been extracted; and that the patient, John A. Wagner, then and there informed the deponent, Albert J. Logo, that the tendons and nerves of his right leg were torn and cut, and that he suffered great pain therefrom; and the deponent also says that upon this and subsequent occasions, when visiting the said John A. Wagner, he personally observed that the attendant who was assigned to wait upon the patient was apparently in a deplorable condition, a victim of alcoholism, and seemed to be verging upon an attack of delirium tremens; and further that upon one of these occasions he saw the attendant appropriate to his own use and drink the stimulant provided for the patient by the hospital steward; and that upon mentioning the fact to the patient, Mr. John A. Wagner, he said: "Don't say anything; I am afraid of him, and Lord knows what he might do when no one else was present;" and the deponent further says that the very kind attention Mr. John A. Wagner received while in the hospital at the Bridesburg Arsenal was preeminently due to the unremitting care and constant devotion of his family; and that he visited the claimant, Mr. John A. Wagner, frequently from the date of his wound until the day he died, November 12, 1893, and during the latter part of his illness he assisted in nursing him. On these occasions the sufferer invariably complained of his wound, and said it would eventually cause his death.

Mr. John A. Wagner was a man of more than ordinary intelligence, was extremely devoted to his family, an excellent provider, and always enjoyed a comfortable home. He also maintained an unblemished character in every respect, was surrounded by a host of warm friends, and, in fact, was just the man to avoid unnecessary exposure to danger.

A. J. LOGO,

1824 North Twenty-third Street, Philadelphia, Pa.

Sworn and subscribed to before me this 10th day of January, A. D. 1896.

[SEAL.]

JOHN J. MINNICK, Notary Public.

PHILADELPHIA, April 11, 1894.

*To whom it may concern:*

Be it known that John A. Wagner, aged 61 years, residing at 976 North Sixth street, in the city of Philadelphia, became ill with a cancerous condition of lymphatic glands in his right groin below Poupart's ligament and on the saphenous opening, May 3, 1893, being obliged to go to and remain in bed July 2, 1893, until his death, November 12, 1893. We believe that death was due to general infection from the cancerous inguinal glands. We believe that the action of cancerous process in the inguinal glands was initiated and influenced by a gunshot wound of the right thigh received near the Frankfort Arsenal on July 7, 1880. We believe also that part of the inflammatory and malignant action in the glands above Poupart's ligament resulted from a congenital phimosis that was operated upon September 18, 1893, showing a small warty growth upon the corona, which recurred. Notwithstanding this last-named condition we believe that the malignant action in the gland of Scarpa's triangle was induced by and influenced by the irritation from the gunshot wound of thigh. This conclusion is borne out by the continued painful condition of thigh from the time the injury was received up to the date of development of the cancerous process.

I. P. STRITTMATTER, M. D.,  
Attending Surgeon.

A. H. DE YOUNG, M. D.

CITY OF PHILADELPHIA, ss:

Sworn and subscribed to before me this 11th day of January, A. D. 1896.

[SEAL.]

JNO. M. O'BRIEN,  
Magistrate Court No. 18.

